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09/679,721	10/04/2000	Glenn Reid	004860.P2472	7346
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Lisa Benado BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard, 7th Floor Los Angeles, CA 90025-1026			ART UNIT 2623	PAPER NUMBER

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/679,721	REID, GLENN	
	Examiner Son P. Huynh	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 May 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-15,17-20,22-26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8-15,17-20,22-26 and 28-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6, 8-15, 17-20, 22-26, 28-33, as amended, have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Abe in view of Sacilotto fails to teach or suggest the limitation of "destructively edited" (page 9, last paragraph).

In response, this argument is respectfully traversed. Sacilotto discloses the user chooses to delete a composition stored on the playback device and enters a command to delete the appropriate ID (col. 8, lines 25-29). The result of the deletion of the data is to save space of the storage (col. 8, line 61-col. 9, line 21). Thus, Sacilotto teaches "destructively edited" since the deleted portion is no longer stored on the storage.

Applicant further argues Abe in view of Sacilotto fails to teach or suggest deleting without examining storage capacity state (bridge paragraph between page 10 and page 11).

In response, this argument is respectfully traversed. Abe discloses the host computer 15 advances the control the deletion, in which, when it confirms the delete key of the keyboard 11 is pressed, then it controls the external storage apparatus 22 and the image processor 21 in response to the delete key operation to delete a video clip

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and an audio clip designated by the mark in cursor 52 or mark out cursor 53, thereby deleting the corresponding mark in cursor 52 or mark out cursor 53 in the video browser window...when the delete key is pressed, then the host computer 15 deletes a corresponding video clip and audio clip (col. 17, lines 17-40). Thus, the deleting of the video clip and audio clip is in response to the user pressing of the delete key, the corresponding video clip and audio clip is deleted without examining storage capability state.

Alternatively, Sacilotto, in another embodiment, discloses user chooses to delete a composition stored on the playback device and enters a command to delete the appropriate ID (col. 8, lines 25-30). Thus, the data is deleted (in response to user selection) without examining storage capacity state.

Applicant also argue Abe in view of Sacilotto fails to teach or suggest deleting the portion from the storage if the portion is not represented by more than one reference data (page 11, paragraph 1).

In response, this argument is respectfully traversed. Sacilotto discloses deleting a clip when the reference count for the clip is zero/least reference count – col. 8, lines 25-60; col. 9, lines 1-25. It is obvious to one of ordinary skill in the art that the portion from the storage is deleted if the portion is not represented by more than one reference data for the benefit of enhancing audio/video editing operation by preventing data currently in use in multimedia presentation from being deleted.

For the reasons given above, rejections on claims 1-6, 8-15, 17-20, 21-26, 28-33 are analyzed as discussed below.

Claims 7, 16, 21, 27 and 34 have been canceled.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-3, 6, 8, 11, 13 and 17-20, 22-24, 26, 28-30 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Sacilotto, Jr. et al. (Sacilotto), U.S. Patent No. 6,763,523.

Regarding **claims 1, 22 and 28**, Abe discloses a method, a corresponding processing system, and a corresponding computer readable medium for destructively editing a time based stream of information in a processing system (Fig. 12), comprising:

- a) storing the time based stream of information (video clip and corresponding

audio clip) in storage (Fig. 2, External Storage Apparatus 22) (encoding and storage of video data D1, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data D2, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data D1 and audio data D2);

- b) selecting a portion of the time based stream of information (user selection of in-point and out-point of clip, col. 16, line 30 – col. 17, line 12);
- c) receiving a user deletion command (entry of deletion mode, col. 17, lines 13-40); and
- d) deleting the portion from the storage in response to the user deletion command, without examining storage capacity state (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus 22 is controlled to delete the designated portion of video clip and corresponding audio clip). However, Abe does not specifically disclose such that portion is no longer stored on the storage and is thereby destructively edited.

Sacilotto discloses user choose to delete portion of desired data to save space of the storage (col. 8, line 25-col. 9, line 21). As a result of deleting the data to save the space of the storage, the portion (deleted data) is no longer stored on the storage and is thereby destructively edited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe to use the teaching as taught by Sacilotto in order to save space for higher priority data (col. 9, lines 40-43).

As for **claims 2, 23, and 29**, Abe discloses providing reference data (time code data) corresponding to the stored time based stream of information and wherein the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claims 3, 24 and 30**, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip)).

As for **claims 6, 15, 26 and 33**, Sacilotto discloses deleting lower priority data automatically or manually (i.e. clips with references count become zero, expired date, etc. when the storage becomes greater than the particular percentage full to save space of higher priority data– col. 8, line 50-col. 9, line 20). Necessarily, the portion (i.e. lower priority data) is deleted by permanently eliminating the information from storage directly without an intermediate step.

Regarding **claim 8**, Abe discloses a method for managing storage in a processing system (Fig. 12), comprising:

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a) storing a time based stream of information (video clip and corresponding audio clip) in storage (Fig. 2, External Storage Apparatus 22) (encoding and storage of video data D1, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data D2, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data D1 and audio data D2);

b) selecting at least a portion of the time based stream of information in response to a user selection command (user selection of in-point and out-point of clip, col. 16, line 30 – col. 17, line 12);

c) deleting the portion from the storage (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus 22 is controlled to delete the designated portion of video clip and corresponding audio clip).

Abe fails to disclose the step of determining whether the portion is represented by more than one reference data containing processing information corresponding to the time based stream of information and deleting the portion from storage if the portion is not represented by more than one reference data, and such that the deleted portion is no longer stored on the storage and is thereby destructively edited, as claimed.

However, Sacilotto, in an analogous art, discloses user choose to delete portion of desired data to save space of the storage (col. 8, line 25-col. 9, line 21). As a result of deleting the data to save the space of the storage, the portion (deleted data) is no longer stored on the storage and is thereby destructively edited. Sacilotto further discloses deleting a portion with zero reference count/least reference count (col. 8, lines 25-60; col. 9, lines 1-25). It is obvious that the portion is deleted if the portion (selected

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clip) is not represented by more than one reference data for the benefit of enhancing audio/video editing operations by preventing data currently in use in a multimedia presentation from being deleted.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing method of Abe to incorporate the teaching as taught by Sacilotto, for the benefit of enhancing audio/video editing operations by preventing data currently in use in a multimedia presentation from being deleted in a storage management method, and furthermore, to maximize the use of stored data, and additionally to save space for higher priority data (col. 9, lines 40-43).

The limitation of **claim 11** is encompassed by the teachings of Abe in view of Sacilotto, as discussed above relative to claim 8. Specifically, Abe discloses the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

The limitation of **claim 13** is encompassed by the teachings of Abe in view of Sacilotto, as discussed above relative to claim 11. Specifically, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning

portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

Regarding **claim 17**, Abe discloses a time based stream of information processing system (Fig. 2) comprising:

- a) a capture port (Fig. 2, A/D 19 and VRAM 20) for acquiring time based stream of information (encoding and storage of video data D1, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data D2, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data D1 and audio data D2);
- b) a storage (Fig. 2, External Storage Apparatus 22) for storing the time based stream of information (col. 6, lines 20-26 and lines 52-57);
- c) a display device (Fig. 2, Monitor 26, col. 7, lines 37-46); and
- d) a processor (Host Computer 15 of Fig. 2, which inherently discloses a CPU) for selecting a portion of the time based stream of information and deleting the portion from storage in response to a user deletion command (col. 17, lines 10-40). However, Abe does not specifically disclose such that portion is no longer stored on the storage and is thereby destructively edited.

Sacilotto discloses user choose to delete portion of desired data to save space of the storage (col. 8, line 25-col. 9, line 21). As a result of deleting the data to save the space of the storage, the portion (deleted data) is no longer stored on the storage and is

thereby destructively edited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe to use the teaching as taught by Sacilotto in order to save space for higher priority data (col. 9, lines 40-43).

As for **claim 18**, Abe discloses the display device includes a deletion control (Deletion process presented in video browser **25** and displayed on Monitor **26**, col. 17, lines 10-40).

As for **claim 19**, Abe discloses the storage further includes at least one reference data (time code data) corresponding to the time based stream of information and the processor is further for deleting the reference data reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claim 20**, Abe discloses the processor is further for forming at least one new reference with reference data to the remaining time based stream of information after deleting the data (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip)).

4. **Claims 4, 14, 25, and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Sacilotto (US 6,763,523) as applied to claims 3, 24, 30 above, and further in view of Chao et al. (Chao), U.S. Patent No. 5,732,184.

As for **claims 4, 14, 25, and 31**, although Abe discloses selecting a portion of a clip (i.e., time based stream of information) designated by a mark-in point and a mark-out point (e.g., to select a portion of the clip between the beginning and end of the clip) and deleting the selected portion (see discussion above relative to claims 1, 22, and 28), Abe fails to specifically disclose the reference splits into a first new reference corresponding to the information prior to the extracted data and a second new reference corresponding to the information after the extracted reference data (e.g., Abe does not specifically disclose that two separate clips result from the editing operation).

However, Chao, in an analogous art, teaches editing video clips incorporating a slicing operation wherein a clip is divided into two separate clips (col. 5, line 64 – col. 6, line 53 and Figs. **4A and 4B**). Editing a video clip to produce two separate clips inherently discloses a first new reference corresponding to information prior to the slicing point and a second new reference corresponding to information after the extracted reference data to allow for editing of the clips separately. The slicing operation taught by Chao provides the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions (see col. 6, lines 50-53).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing process of Abe and Sacilotto to incorporate the reference splits into a first new reference corresponding to the information prior to the extracted reference data and a second new reference corresponding to the information after the extracted reference data, as taught by Chao, for the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions in a time based stream editing system.

5. **Claims 5, 9-10,12 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 and Sacilotto (US 6,763,523) as applied to claims 2, 22 and 29 above, and further in view of Gamon, U.S. Patent No. 6,345,318.

As for **claims 5, 9 and 32**, the disclosure of Abe in view of Sacilotto is relied upon a discussed above relative to claims 2 and 29. Abe and Sacilotto fail to disclose depositing the extracted reference data in a trash depository prior to deletion, as claimed.

However, Garmon, in an analogous art, teaches a trash depository (e.g., Recycle Bin 415 of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the

recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe and Sacilotto to incorporate including depositing corresponding reference data in a trash depository prior to deleting the information, as taught by Garmon, for the typical and well-known benefit of enabling a user to restore data previously selected to be deleted.

As for **claim 10**, Garmon further discloses the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38).

As for **claim 12**, Abe in view of Sacilotto discloses a method as discussed in the rejection of claim 11. Abe in view of Sacilotto fails to disclose wherein if a cancel command is received, the extracted reference data is replaced in the reference and the portion is not deleted, as claimed.

However, Garmon, in an analogous art, trash depository (e.g., Recycle Bin 415 of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (e.g., the

object restored along with corresponding reference data to the portion selected for deletion) if the user subsequently decides the object selected for deletion is needed (e.g., canceling the deletion command) or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe in view of Sacilotto to incorporate wherein if a cancel command is received, the extracted reference data is replaced in the reference and the portion is not deleted, as taught by Garmon, for the benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

6. **Claims 1-3, 6, 8, 11, 13 and 17-20, 22-24, 26, 28-30 and 33** are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Ellis et al. (US 2003/0149988).

Regarding **claims 1, 22 and 28**, Abe discloses a method, a corresponding processing system, and a corresponding computer readable medium for destructively editing a time based stream of information in a processing system (Fig. 12), comprising:

- a) storing the time based stream of information (video clip and corresponding

audio clip) in storage (Fig. 2, External Storage Apparatus 22) (encoding and storage of video data D1, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data D2, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data D1 and audio data D2);

b) selecting a portion of the time based stream of information (user selection of in-point and out-point of clip, col. 16, line 30 – col. 17, line 12);

c) receiving a user deletion command (entry of deletion mode, col. 17, lines 13-40); and

d) deleting the portion from the storage in response to the user deletion command, without examining storage capacity state (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus 22 is controlled to delete the designated portion of video clip and corresponding audio clip). However, Abe does not specifically disclose such that portion is no longer stored on the storage and is thereby destructively edited.

Ellis discloses user choose to delete data that is no longer desired from the storage or expired time or after watched (paragraphs 0167-0169). Thus, the stored portion is deleted from the storage without examining storage capacity state and, as a result of deleting the portion from the storage, the portion (deleted data) is no longer stored on the storage and is thereby destructively edited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe to use the teaching as taught by Ellis in order to save space for higher priority

data/optimize storage utilization or reduce fee per unit of storage consumed (paragraph 0169).

As for **claims 2, 23, and 29**, Abe discloses providing reference data (time code data) corresponding to the stored time based stream of information and wherein the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claims 3, 24 and 30**, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip)).

As for **claims 6, 15, 26 and 33**, Ellis further discloses deleting the no longer desired program from the storage device (paragraphs 0167-0169). Necessarily, the portion (undesired/watched program) is deleted by permanently eliminating the information from storage directly without an intermediate step.

Regarding **claim 8**, Abe discloses a method for managing storage in a processing system (Fig. 12), comprising:

- a) storing a time based stream of information (video clip and corresponding audio clip) in storage (Fig. 2, External Storage Apparatus 22) (encoding and storage of video data D1, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data D2, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data D1 and audio data D2);
- b) selecting at least a portion of the time based stream of information in response to a user selection command (user selection of in-point and out-point of clip, col. 16, line 30 – col. 17, line 12);
- c) deleting the portion from the storage (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus 22 is controlled to delete the designated portion of video clip and corresponding audio clip).

Abe fails to disclose the step of determining whether the portion is represented by more than one reference data containing processing information corresponding to the time based stream of information and deleting the portion from storage if the portion is not represented by more than one reference data, and such that the deleted portion is no longer stored on the storage and is thereby destructively edited, as claimed.

However, Ellis discloses user choose to delete data that is no longer desired from the storage or expired time or after watched (paragraphs 0167-0169). Thus, the stored portion is deleted from the storage without examining storage capacity state and, as a result of deleting the portion from the storage, the portion (deleted data) is no

longer stored on the storage and is thereby destructively edited. Ellis further discloses the portion (undesired program) is deleted if the portion is not represented by more than one reference data (in response to the deletion request, delete the portion from storage device that store the program selected for deletion if only one user has requested that the program be recorded- paragraph 0168).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing method of Abe to incorporate the teaching as taught by Ellis, for the benefit of enhancing audio/video editing operations by preventing data currently in use in a multimedia presentation from being deleted in a storage management method, and furthermore, to maximize the use of stored data, and additionally to reduce fee for storage consumed (paragraphs 0168-0169).

The limitation of **claim 11** is encompassed by the teachings of Abe in view of Ellis, as discussed above relative to claim 8. Specifically, Abe discloses the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

The limitation of **claim 13** is encompassed by the teachings of Abe in view of Ellis, as discussed above relative to claim 11. Specifically, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently

rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

Regarding **claim 17**, Abe discloses a time based stream of information processing system (Fig. 2) comprising:

- a) a capture port (Fig. 2, A/D 19 and VRAM 20) for acquiring time based stream of information (encoding and storage of video data D1, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data D2, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data D1 and audio data D2);
- b) a storage (Fig. 2, External Storage Apparatus 22) for storing the time based stream of information (col. 6, lines 20-26 and lines 52-57);
- c) a display device (Fig. 2, Monitor 26, col. 7, lines 37-46); and
- d) a processor (Host Computer 15 of Fig. 2, which inherently discloses a CPU) for selecting a portion of the time based stream of information and deleting the portion from storage in response to a user deletion command (col. 17, lines 10-40). However, Abe does not specifically disclose such that portion is no longer stored on the storage and is thereby destructively edited.

Ellis discloses user choose to delete data that is no longer desired from the storage or expired time or after watched (paragraphs 0167-0169). Thus, the stored portion is

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deleted from the storage without examining storage capacity state and, as a result of deleting the portion from the storage; the portion (deleted data) is no longer stored on the storage and is thereby destructively edited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe to use the teaching as taught by Ellis in order to save space for higher priority data/optimize storage utilization or reduce fee per unit of storage consumed (paragraph 0169).

As for **claim 18**, Abe discloses the display device includes a deletion control (Deletion process presented in video browser **25** and displayed on Monitor **26**, col. 17, lines 10-40).

As for **claim 19**, Abe discloses the storage further includes at least one reference data (time code data) corresponding to the time based stream of information and the processor is further for deleting the reference data reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claim 20**, Abe discloses the processor is further for forming at least one new reference with reference data to the remaining time based stream of information after deleting the data (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a

beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

7.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Foreman et al. (US 6,628,303) discloses graphical user interface for a motion video planning and editing system for a computer.

Yeo et al. (US 2002/0070958) discloses method and apparatus for dynamically generating a visual program summary from a multi-source video feed.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

July 18, 2006

  
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